

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00225-MR-WCM**

5-STAR ATHLETE DEVELOPMENT, LLC,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
CITY OF SHELBY, NORTH CAROLINA,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court *sua sponte*.

On August 16, 2021, Willie A. Green, Sr. filed the above-referenced pleadings with this Court, purporting to initiate a civil action on behalf of 5-Star Athlete Development, LLC (“the Plaintiff LLC”). In the Complaint, Mr. Green requested the appointment of counsel on behalf of the Plaintiff LLC. [Doc. 1].

On August 26, 2021, the Court entered an Order directing the Plaintiff LLC to retain counsel within 30 days and advising the Plaintiff LLC that “failure to retain counsel within the time required will result in the dismissal of this action without prejudice.” [*Id.* at 2]. On September 9, 2021, Mr. Green filed a motion seeking an extension of time to retain counsel. [Doc. 7]. On

September 13, 2021, the Court ordered Mr. Green's motion be stricken on the grounds that as a layman, Mr. Green cannot represent the Plaintiff LLC. [Doc. 8].


More than 30 days have now passed, and the Plaintiff LLC has not retained counsel as instructed. As the Court has previously explained [Doc. 4], because the named Plaintiff is a limited liability company, it can appear in federal court only through a licensed attorney. See Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 202 (1993); Gilley v. Shoffner, 345 F. Supp. 2d 563, 566-67 (M.D.N.C. 2004). Accordingly, the Court will dismiss this action without prejudice.

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is respectfully instructed to close this civil action.

IT IS SO ORDERED.

Signed: September 30, 2021



Martin Reidinger
Chief United States District Judge

